

REMARKS/ARGUMENTS

Claims 50-86 are pending in the present application. Claims 65-68 stand withdrawn. Claims 50-64 and 69-86 stand rejected for the reasons stated in the Office Action. In response, claims 50, 63 and 64 have been amended. Support for these amendments can be found at page 6, lines 18-26, and Figure 1, among other places. No new matter is added by these amendments. Entry of these amendments is requested.

With Respect to the Rejections Under 35 U.S.C. §102:

Claims 50, 51, 58 and 63 stand rejected under 35 U.S.C. §102 as being anticipated by Gonzalez et al. for the reasons indicated on page 3 through page 4 of the Office Action. Claim 50 and 63 has been amended to add the limitation "at the 3' end of the cholera toxin B subunit". Support for this limitation can be found at page 6, lines 18-26 and Figure 1, among other places. As stated in the Gonzalez reference in the Summary, lines 2-9, emphasis added:

...**Synthetic oligodeoxyribonucleotides encoding the VP4 peptide were inserted between the 3' end of the DNA that codes for the leader peptide, and the 5' end of the gene encoding mature CTB.** The hybrid polypeptide was shown to induce high titers of serum antibodies (Ab) against CTB and the synthetic VP4 peptide following subcutaneous immunization; paradoxically, however, the Ab obtained did not recognize the virus by an enzyme-linked immunosorbent assay method, nor had detectable neutralizing activity....

Hence, the Gonzalez reference appears to disclose a sequence coding for a protein that is both structurally and functionally different from the protein in amended claims 50 and 63. Claims 51 and 58 depend on claim 50. Therefore, withdrawal of this rejection is requested.

With Respect to the Rejection of Claim 52 Under 35 U.S.C. §103:

Claim 52 stands rejected under 35 U.S.C. §103 as being unpatentable over Gonzalez and further in view of Manson et al. for the reasons indicated on page 4 of the Office Action. Claim 52 depends on claim 50. For the reasons indicated above, claim 50 is believed to be patentable. Therefore, this rejection is believed to be moot and withdrawal of this rejection is requested.

With Respect to the Rejections Under 35 U.S.C. §112:

Claims 63 and 64 stand rejected under 35 U.S.C. §112 for the reasons indicated on page 4, last paragraph, through page 5, first paragraph, of the Office Action. Claims 63 and 64 have been amended to clarify the limitation. The claims are intended to be product by process claims. Withdrawal of these rejections is requested.

With Respect to the Rejections of Claims 53-57 and 59-62 Under 35 U.S.C. §103:

Claims 53-57 and 59-62 stand rejected under 35 U.S.C. §103 as being unpatentable over Gonzalez in view of Hajishengallis et al. for the reasons indicated on pages 5 through 6 of the Office Action. All of these claims depend on claim 50. For the reasons indicated above, claim 50 is believed to be patentable. Therefore, these rejections are believed to be moot and withdrawal of this rejection is requested.

With Respect to the Rejections of Claims 64 and 59-86 Under 35 U.S.C. §103:

Claims 64 and 69-86 stand rejected under 35 U.S.C. §103 as being unpatentable over Gonzalez and in view of Mason and further in view of Hajishengallis et al. for the reasons indicated on pages 6 through 7 of the Office Action. Claims 69-80 and 86 depend on claim 63. For the reasons indicated above, claim 63 is believed to be patentable. Therefore, these rejections are believed to be moot and withdrawal of these rejections is requested.

Claim 64 has been amended in a manner corresponding to claims 50 and 63. For the reasons indicated above, this amendment is believed to distinguish the presently claimed subject matter over the cited references. For this reason, claim 64 is believed to be patentable and withdrawal of this rejection is requested. Claims 81-85 depend on claim 64. Therefore, the remaining rejections of claims 81-85 are believed to be moot and withdrawal of these rejections is requested.

With Respect to the Withdrawal from Consideration of Claims 65-68:

As discussed below, the Applicant believes that claims 50, 59, 63 and 64 are now in condition for allowance and, therefore, claims 65-68 should be rejoined as a method of using a patentable agent. If, however, the Patent and Trademark Office determines that claims 65-68

should not be maintained in this application for any reason, the Applicant authorizes the Patent and Trademark Office to cancel claims 65-68.

CONCLUSION

For the reason stated above, the Applicant respectfully believes that all pending claims, claims 50-86, are in condition for allowance and a Notice of Allowance is earnestly solicited. If, however, there remain any issues that can be resolved by telephone with the Applicants representative, the Examiner is encouraged to contact the undersigned directly.

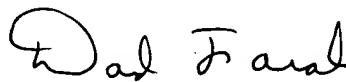
If any extension of time is required to respond, such extension is hereby requested. The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON & MAK PC

Date: November 24, 2003

By



David A. Farah, M.D.
Reg. No. 38,134

Sheldon & Mak PC
A Professional Corporation
225 South Lake Avenue, Suite 900
Pasadena, California 91101
Tel.: (626) 796-4000
Fax: (626) 795-6321

Customer No.: 23676